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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,674	12/06/2000	Daniel B. McKenna	9286/001c1	9323

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EXAMINER
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LE, DANH C.

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/731,674

Applicant(s)

MCKENNA ET AL.

Examiner

DANH C LE

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4-6</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-8, 10-24, 26-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Richton (US 6,650,902).

As to claim 1, Richton teaches a communicate system (figure 3 and col.3, line 3-col.7, line 10) for providing communicate communication services to subscribers, each of whom are equipped with a wireless subscriber device, via a cellular communication network that includes a plurality of cell sites, each of which provides a plurality of wireless communication channels in a cell that covers a predetermined volume of space around a cell site transmitting antenna, comprising:

means for storing subscriber information for each of a plurality of subscribers;

means for identifying subscribers, whose wireless subscriber device is active in a cell of said cellular communication network, for at least one of said cells;

means for automatically generating data that identifies a plurality of subscribers, who comprise at least one community of subscribers, as a function of said stored subscriber information for said identified subscribers;

means for selecting at least one of said plurality of cells to provide a  
communique communication service to subscribers who are members of said at least  
one community of subscribers; and

means for routing information constituting said communique communication  
service from a selected program source to cell sites associated with said selected at  
least one of said plurality of cells for transmission via a one of said plurality of wireless  
communication channels to wireless subscriber devices of ones of said identified  
subscribers who are present in said selected at least one of said plurality of cells.

As to claim 2, Richton teaches the communique system of claim 1 wherein said  
means for storing comprises:

communique location register (304) means for storing at least one of: a  
subscriber's authorization, a subscriber's service plan, and a subscriber profile.

As to claim 3, Richton teaches the communique system of claim 1 wherein said  
means for automatically generating comprises:

means for correlating said identified subscribers with program data indicative of  
said communique communication service from a selected program source to create  
data indicative of subscribers interested in said communique communication service in  
each of said cells (col.3, line 3-col.7, line 10).

As to claim 4, Richton teaches the communique system of claim 3 wherein said  
means for selecting comprises:

means for managing spatial temporal content of said communiqué  
communication service as a function of at least one of: number of said identified

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subscribers entering into and moving out of a cell or narrowcast region of said cellular communication network, number of subscribers active in a cell or narrowcast region of said cellular communication network, services requested by said identified subscribers active in a cell or narrowcast region of said cellular communication network, density of subscribers active in said cellular communication network (col.3, line 3-col.7, line 10).

As to claim 5, Richton teaches the communicate system of claim 1 wherein said means for selecting comprises:

means for dynamically revising selection of at least one of said plurality of cells to provide a communicate communication service to subscribers who are members of said at least one community of subscribers (col.3, line 3-col.7, line 10).

As to claim 6, Richton teaches the communicate system of claim 1 wherein said means for selecting comprises:

means, responsive to occurrence of an event, for identifying a temporal and spatial extent of said communicate communication service; and

means for translating said identified temporal and spatial extent into said set of said cells (col.3, line 3-col.7, line 10).

As to claim 7, Richton teaches the communicate system of claim 1 further comprising:

means for enabling each of said plurality of wireless subscriber devices of ones of said identified subscribers who are present in said selected at least one of said

plurality of cells to receive said information via said one of said plurality of wireless communication channels (col.3, line 3-col.7, line 10).

As to claim 8, Richton teaches the communicate system of claim 7 wherein said means for enabling comprises:

means for identifying each of said plurality of wireless subscriber devices via a communicate address assigned to said plurality of wireless subscriber devices to enable the cell sites to recognize each of said plurality of wireless subscriber devices without requiring a unique identity for each of said plurality of wireless subscriber devices (col.8, line 45-58).

As to claim 10, Richton teaches the communicate system of claim 7 wherein said means for enabling comprises:

means for registering at least one of said plurality of wireless subscriber devices to uniquely identify said at least one wireless subscriber device, and

means for authorizing said at least one wireless subscriber device to receive a subscriber selected communiqué (col.8, line 45-58).

As to claim 11, Richton teaches the communicate system of claim 1 wherein said means for routing operates in at least one information distribution mode selected from the class of information distribution modes including: push, pull, and combinations of push/pull information distribution modes (col.12, line 44-col.13, line 22).

As to claim 12, Richton teaches the communicate system of claim 1 wherein said means for selecting means for creating temporal and spatial extent of narrowcast in the content domain (col.12, line 31-col.13, line 24).

As to claim 13, Richton teaches the communicate system of claim 12 wherein said means for creating temporal and spatial extent comprises:

means for defining program segments for a plurality of communicates that are excerpted from a program stream in at least one of said plurality of cell sites (col.12, line 31-col.13, line 24).

As to claim 14, Richton teaches the communicate system of claim 13 further comprising:

means for transmitting a program stream to said plurality of wireless subscriber devices served by said selected at least one of said plurality of cell sites; and

control signal means for transmitting program stream parsing control signals to said plurality of wireless subscriber devices served by said selected at least one of said plurality of cell sites to define at least one communicate that is excerpted from said program stream (col.12, line 31-col.14, line 46).

As to claim 15, Richton teaches the communicate system of claim 14 further comprising:

means for transmitting a program stream to a plurality of cell sites; and

means for transmitting program stream parsing control signals to said at least one of said plurality of cell sites to define at least one communicate that is excerpted from a program stream in said at least one of said plurality of cell sites (col.12, line 31-col.14, line 46).

As to claim 16, Richton teaches the communicate system of claim 15 further comprising:

means, located in said plurality of cell sites, for generating a plurality of communiques from said received program stream and said program stream parsing control signals; and

means for transmitting said plurality of communiqués to said plurality of wireless subscriber devices served by said selected at least one of said plurality of cell sites (col.12, line 31-col.14, line 46).

As to claim 17, Richton inherently teaches the method of operating a communique system (figure 3 and col.3, line 3-col.7, line 10) for providing communiqué communication services to subscribers, each of whom are equipped with a wireless subscriber device, via a cellular communication network that includes a plurality of cell sites, each of which provides a plurality of wireless communication channels in a cell that covers a predetermined volume of space around a cell site transmitting antenna, comprising the steps of:

storing subscriber information for each of a plurality of subscribers;

identifying subscribers, whose wireless subscriber device is active in a cell of said cellular communication network, for at least one of said cells;

automatically generating data that identifies a plurality of subscribers, who comprise at least one community of subscribers, as a function of said stored subscriber information for said identified subscribers;

selecting at least one of said plurality of cells to provide a communiqué communication service to subscribers who are members of said at least one community of subscribers; and



routing information constituting said communique communication service from a selected program source to cell sites associated with said selected at least one of said plurality of cells for transmission via a one of said plurality of wireless communication channels to wireless subscriber devices of ones of said identified subscribers who are present in said selected at least one of said plurality of cells.

As to claim 18, the limitation of the claim is the same as the limitation of claim 2; therefore, the claim is interpreted and rejected as set forth in the claim 2.

As to claim 19, the limitation of the claim is the same as the limitation of claim 3; therefore, the claim is interpreted and rejected as set forth in the claim 3.

As to claim 20, the limitation of the claim is the same as the limitation of claim 4; therefore, the claim is interpreted and rejected as set forth in the claim 4.

As to claim 21, the limitation of the claim is the same as the limitation of claim 5; therefore, the claim is interpreted and rejected as set forth in the claim 5.

As to claim 22, the limitation of the claim is the same as the limitation of claim 6; therefore, the claim is interpreted and rejected as set forth in the claim 6.

As to claim 23, the limitation of the claim is the same as the limitation of claim 7; therefore, the claim is interpreted and rejected as set forth in the claim 7.

As to claim 24, the limitation of the claim is the same as the limitation of claim 8; therefore, the claim is interpreted and rejected as set forth in the claim 8.

As to claim 26, the limitation of the claim is the same as the limitation of claim 10; therefore, the claim is interpreted and rejected as set forth in the claim 10.

As to claim 27, the limitation of the claim is the same as the limitation of claim 11; therefore, the claim is interpreted and rejected as set forth in the claim 11.

As to claim 28, the limitation of the claim is the same as the limitation of claim 11; therefore, the claim is interpreted and rejected as set forth in the claim 12.

As to claim 29, the limitation of the claim is the same as the limitation of claim 13; therefore, the claim is interpreted and rejected as set forth in the claim 13.

As to claim 30, the limitation of the claim is the same as the limitation of claim 14; therefore, the claim is interpreted and rejected as set forth in the claim 14.

As to claim 31, the limitation of the claim is the same as the limitation of claim 15; therefore, the claim is interpreted and rejected as set forth in the claim 15.

As to claim 32, the limitation of the claim is the same as the limitation of claim 16; therefore, the claim is interpreted and rejected as set forth in the claim 16.

As to claim 33, Richton teaches the communique system (figure 3 and col.3, line 3-col.7, line 10) for providing communique communication services to subscribers, who are equipped with wireless subscriber devices, via a cellular communication network that includes a plurality of cell sites, each of which provides a plurality of wireless communication channels in a cell that covers a predetermined volume of space around a cell site transmitting antenna, comprising:

communique location register (304) means for storing data comprising at least one of: a subscriber's authorization, a subscriber's service plan, and a subscriber profile for each of a plurality of subscribers;

subscriber population identification (305) means for identifying subscribers, whose wireless subscriber device is active in a cell site of said cellular communication network, for at least one of said cell sites;

community manager (302) means for automatically generating data that identifies a plurality of subscribers, who comprise at least one community of subscribers, as a function of said stored subscriber profiles for said identified subscribers;

temporal spatial communique manager (303) means for selecting at least one of said plurality of cell sites to provide a communique communication service to subscribers who are members of said at least one community of subscribers; and

program manager (301) means for routing information constituting said communiqué communication service from at least one selected program source to said selected at least one of said plurality of cell sites for transmission via a one of said plurality of wireless communication channels to a plurality of wireless subscriber devices served by said selected at least one of said plurality of cell sites.

As to claim 34, Richton teaches the communique system of claim 33 wherein said community manager means comprises:

audience determination means for correlating said identified subscribers with program data indicative of said communique communication service from a selected program source to create data indicative of subscribers interested in said communiqué communication service in each of said cells (col.3, line 3-col.7, line 10).

As to claim 35, Richton teaches the communique system of claim 34 wherein said temporal spatial communique manager means comprises:

population determining means for managing spatial temporal content of said  
communique communication service as a function of at least one of: number of said  
identified subscribers entering into and moving out of a cell or narrowcast region of said  
cellular communication network, number of subscribers active in a cell or  
narrowcast region of said cellular communication network, services requested by said  
identified subscribers active in a cell or narrowcast region of said cellular  
communication network, density of subscribers active in said cellular communication  
network (col.3, line 3-col.7, line 10).

As to claim 36, Richton teaches the communique system of claim 33 wherein  
said temporal spatial Communique manager means Comprises:

audience updating means for dynamically revising selection of at least one of  
said plurality of cells to provide a communique communication service to subscribers  
who are members of said at least one community of subscribers (col.3, line 3-col.7, line  
10).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richton in view of Owensby (US 6,647,257).

As to claim 9, Richton teaches the communicate system of claim 8 wherein said means for identifying comprises: means for assigning a communicate address assigned to said plurality of wireless subscriber devices to enable the cell sites to recognize each of said plurality of wireless subscriber devices without requiring a unique identity for each of said plurality of wireless subscriber devices. Richton fails to teach a common MIN as said communicate address. Owensby teaches a common MIN (col.1, line 59-col.2, line 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Owensby into the system of Richton in order to authorize by subscriber to use the wireless mobile terminal.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Sladek et al (US 6,622,016) teaches the system for control provision of telecommunications services.

B. Kojima (US 6,625,442) teaches the mobile communication system having service sub-areas independently assigned special services

C. Kuwahara et al (US 6,389,288) teaches the mobile communication terminal capable of executing location related services.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 703-306-0542. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Danh C.Le



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